

**THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

BARRY PRESTON WRIGHT,

Defendant.

Case No. 17-03114-01-CR-S-MDH

ORDER

After the United States moved for pretrial detention, a hearing was held in this matter pursuant to 18 U.S.C. § 3142(f). The defendant was present personally and with his counsel Ian Lewis, Assistant Federal Public Defender. The United States was represented by Patrick Carney, Assistant United States Attorney.

The Grand Jury has found probable cause to believe that the offense charged was committed by this defendant. Based on the evidence presented at the hearing, there are no conditions that the Court can impose that would reasonably assure the defendant's appearance at all scheduled hearings and the safety of other persons or the community.

The factors to be considered by the Court in determining whether the defendant should be detained pending trial are enumerated in section 3142(g). Regarding the potential for failure to appear, the Court notes the nature of the offense charged and defendant's criminal history which includes, but is not limited to, the following: felony conviction for Escape from Jail; record of failure to appear; criminal activity while under

supervision; and, probation and supervised release non-compliance. In addition, the Court notes the defendant's lack of community ties through property ownership, present and historical mental health issues, present and historical substance abuse, and lack of verifiable, legitimate employment.

Regarding the potential danger to the community, the Court notes the nature of the instant offense and defendant's extensive criminal history which includes, but is not limited to, the following: prior arrests and convictions; violent behavior history; probation and supervised release non-compliance; criminal activity while under supervision; history involving violence; history involving weapons use; and, pattern of similar criminal activity history. In addition, the Court notes defendant's present and historical substance abuse, present and historical mental health issues, and gang involvement.

Based on all the foregoing, the Court finds by a preponderance of the evidence that the defendant is a flight risk, and finds by clear and convincing evidence that the defendant is a danger to the community.

IT IS THEREFORE ORDERED that the defendant be, and is hereby detained without bail.

IT IS FURTHER ORDERED that the defendant be committed to the custody of the Attorney General or his designated representative for confinement in a correction facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the

United States, or on request of an attorney for the Government, the person in charge of the corrections facility shall deliver the defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

IT IS SO ORDERED.

DATED: October 2, 2017

/s/ *David P. Rush*
DAVID P. RUSH
United States Magistrate Judge